IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 247 OF 2005

Shri Chandrakant A. Banaulikar,
Asst. Headmaster (Headmaster
in Charge), Our Lady of Grace
High School, Bicholim,
r/o Bicholim, Goa. ... Petitioner.

Versus

1. State of Goa, through its
Chief Secretary, Govern-
ment of Goa, having office
at Secretariat, Porvorim,
Goa,

2. Director of Education,
Government of Goa,
Panaji, Goa,

3. The Manager, Our Lady
of Grace High School,
Bicholim, Goa,

4. Secretary,
Diocesan Society of
Education, Paco
Patriarchal, P.B. No.216,
Panaji, 403 001, Goa, and

5. Ms. Coreen Dias,
Headmistress, St.
Elizabeth's High School,
Pomburpa, Goa. ... Respondents.

Mr. D. P. Bhise, advocate for the petitioner.

Mr. S. S. Kantak, Advocate General with Ms. Leena Dharwatkar, Addl. Govt. Advocate for respondent nos.1 & 2.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Braganza,

advocate for respondent no.4.

CORAM : R. M. LODHA &
N. A. BRITTO, JJ.

DATE : 16th August, 2005.

P.C.

Heard Mr. Bhise, learned counsel for the petitioner and Mr. Coelho Pereira, learned Senior Counsel for the respondent no.4. In the Writ Petition, the grievance of the petitioner relates to the transfer of respondent no.5 as Headmistress in a school run by respondent no.4 where the petitioner is the Assistant Headmaster. Our Lady of Grace High School is run by the respondent no.4. Respondent no.4 also runs the St. Elizabeth's High School. We asked the learned counsel for the petitioner as to whether in the common seniority list maintained by respondent no.4 of the teachers in the schools managed by it, respondent no.5 is senior to the petitioner or not. The learned counsel for the petitioner stated that the petitioner is senior to the respondent no.5, but he submitted that common seniority list has neither been made available nor shown to him. However, from the perusal of the petition we find that no averment has been made that the petitioner is senior to respondent no.5. As a matter of fact, the respondent no.5 is already a Headmistress in St. Elizabeth's High School run by respondent no.4, while the petitioner is only an Assistant Headmaster. In this

backdrop, the transfer of respondent no.5 as Headmistress to Our Lady of Grace High School, managed by respondent no.4, cannot be legally faulted with.

2. However, before we close, we record the statement of the learned Senior Counsel for the respondent no.4 that respondent no.4 will consider the case of the petitioner to any of the vacancies which may arise in any of the schools run by respondent no.4 alongwith other eligible candidates.

3. The Writ Petition is dismissed in limine with the aforesaid observations.

R. M. LODHA, J.

N. A. BRITTO, J.

mc.